

FILED

JUN 16 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
BOARD OF NURSING

IN THE MATTER OF THE	:	
LICENSE OF	:	
	:	Administrative Action
ROSE L. JEAN, R.N.	:	
License # 26NO12445800	:	
	:	
TO PRACTICE NURSING IN	:	FINAL ORDER OF
THE STATE OF NEW JERSEY	:	DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board had reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Rose L. Jean ("Respondent") is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about May 19, 2011, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2011 through May 31, 2013. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011," referring to the biennial renewal period of June 1, 2009 through May 31, 2011.

Respondent answered "yes" to the question and certified that answer to be true by submitting the online application.

3. On or about August 2, 2013, the Board sent Respondent a Demand for Written Statement Under Oath ("Demand") requesting information from Respondent. The Demand requested that Respondent provide answers to ten (10) questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned during the renewal period of June 1, 2009 through May 31, 2011.

4. As to the question concerning continuing education, Respondent answered "As of this time, I am unable to locate my CME credentials for proof of attendance. I am continuing to work o[n] locating them. I will provide them as soon as possible"; however, as of the time of this writing, Respondent has yet to provide any proof of having completed any of the required continuing education hours for the renewal cycle of June 1, 2009 through May 31, 2011.

#### CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of thirty (30) hours of continuing education per biennial period to maintain licensure. Falsification of any information submitted on the renewal application may result in

penalties and/or suspension or revocation of the license.

N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four (4) years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty (30) hours of continuing education for the biennial period of June 1, 2009 through May 31, 2011. The Board, therefore, finds Respondent in violation of N.J.A.C. 13:37-5.3(b), which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on November 13, 2013, provisionally

suspending respondent's nursing license, and imposing a reprimand and a \$250.00 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent has provided documentation of 10.75 contact hours of continuing education completed in November of 2009, and 6.5 contact hours completed in October of 2012. In addition, respondent has demonstrated completion of 25 contact hours of continuing education completed on September 14, 2013. Accordingly, the Board determined that suspension was not applicable, as respondent had . albeit belatedly, demonstrated at least 30 contact hours of nursing continuing education to be attributed to the 2009-2011 renewal period. The Board further determined that these submission supported the preliminary findings in the Provisional Order of Discipline that respondent had failed to comply with N.J.A.C. 13:37-5.3 in that she failed to timely complete continuing

education for the 2009-2011 renewal period, and engaged in misrepresentation on the 2011 renewal application. Accordingly, the Board determined that additional proceedings were not necessary, and that the Provisional Order should be made final, without suspension, but imposing the reprimand and the \$250 monetary penalty.

ACCORDINGLY,

IT IS on this 16<sup>th</sup> day of June, 2014,

ORDERED that:

1. Respondent is hereby reprimanded for her violations of N.J.S.A. 45:1-21(b).

3. A civil penalty in the amount of two hundred and fifty dollars (\$250.00) is hereby imposed upon Respondent for her violation of N.J.S.A. 45:1-21(e) and (h). Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the date of filing of a Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Only 5.75 contact hours of the continuing education completed in September of 2013 may be applied to satisfy the requirements of N.J.A.C. 13:37-5.3 with regard to renewal periods subsequent to May 31, 2011.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN  
Patricia Murphy, PhD, APN  
Board President